

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Cindy Leone, as Personal Representative of
the Estate of Jean Payne,
Plaintiff,

v.

Heartland of Columbia and Manor Care, Inc.,
Defendant.

Civil Action No.: 3:16-cv-03720-MBS

**ORDER TRANSFERRING CASE TO
STATE COURT FOR SETTLEMENT
APPROVAL**

The parties in this case have reached a settlement and agree that the Court of Common Pleas for Richland, South Carolina (the “state court”), should consider their settlement agreement for approval. Under South Carolina’s law, this case may be transferred to the state court for that purpose. S.C. Code Ann. § 15-51-42(D) (2005).

Therefore, the Court TRANSFERS this case to the state court for consideration of the proposed settlement agreement and ORDERS that:

1. the parties obtain the state court’s approval of the settlement within ninety (90) days;
2. in the event additional time is required to obtain the state court’s approval, the parties must notify the Court and seek an extension within the ninety (90) day timeframe;
3. if the settlement is not approved or consummated, any party may within ninety (90) days petition the Court to reopen the action and restore it to the docket, as permitted by Federal Rule of Civil Procedure 60(b)(6);
4. this action is hereby DISMISSED without costs and without prejudice;

- a. if no action is taken within ninety (90) days from the filing date of this order, dismissal shall be with prejudice;
- b. dismissal shall be with prejudice upon approval of the settlement by the state court.

IT IS SO ORDERED.

/s/Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina
March 2, 2017